

REMARKS

In the September 29, 2004 Office Action, the Examiner imposed a restriction requirement against originally filed claims 1-116, as between (i) Group I claims 1-41 relating to semi-insulating gallium nitride, and electronic device structures including same, and (ii) Group II claims 42-116, relating to a method of forming semi-insulating gallium nitride and electronic circuitry and devices with same. Applicants hereby elect Group I claims 1-41.

This election is with traverse.

Such traversal is also presented with applicants' request for rejoinder (under the provisions of MPEP Section 821.04) of the Group II claims upon finding of allowable subject matter of the Group I claims.

The traversal of the restriction requirement is based on the fact that the Group I and Group II claims are sufficiently closely related to merit their continued consolidation for prosecution. The method of Group II involves forming semi-insulative gallium nitride, and the Group I claims are directed to semi-insulative gallium nitride and structures including semi-insulative gallium nitride.

The statute (35 USC 121) requires that subject matter be independent and distinct as a threshold requirement for restriction. The Group I and Group II claims of the present application are not independent and distinct, but rather are interrelated in subject matter (semi-insulative gallium nitride, and method of making same).

In view of the foregoing, reconsideration and withdrawal of the restriction requirement is respectfully requested.

In the event that the restriction requirement nonetheless is maintained and finalized by the Examiner, it is requested that in accordance with the Office guidelines of MPEP Section 821.04, the provisionally non-elected method claims be rejoined with the provisionally elected composition (product) claims when the latter are found to recite patentable subject matter.

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Respectfully submitted,



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